

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the

District of New Mexico

JUN 11 2015

MATTHEW J. DYKMAN
CLERK

In the Matter of the Search of)

(Briefly describe the property to be searched)
 or identify the person by name and address))

Case No.

Fabricated Camera/Skimmer Device recovered from)
 Nusenda Credit Union, 3205 Coors Blvd NW, ABQ,)
 NM, on 04-25-15 at approximately 0830 Hours.)

15MR 368

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the _____ District of _____ New Mexico (identify the person or describe property to be searched and give its location): A fabricated camera and card skimmer device that was recovered from 3205 Coors Blvd NW, Albuquerque, NM, 87120, the Nusenda Credit Union on 04-25-15 at approximately 0830 hours. The device is currently located in the Homeland Security Investigation's evidence room at 5441 Watson Dr. SE, Albuquerque, New Mexico, 87106.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized): Evidence of, or contraband, fruits of, or other items related to the offense of 18 U.S.C. 1029, Access Device Fraud, and 18 U.S.C. 1028A, Aggravated Identity Theft, as described in Attachment B incorporated herein by reference.


The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 18 U.S.C. § 1029, and the application is based on these facts: See attached Affidavit, incorporated herein by reference.

☒ Continued on the attached sheet.

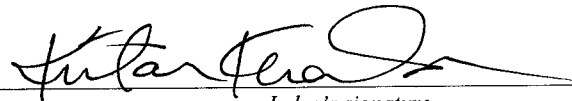
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


 Applicant's signature

Jeremy Leatherwood, Special Agent
 Printed name and title

Sworn to before me and signed in my presence.

Date: 6-11-15


 Judge's signature

City and state: Albuquerque, NM

Kirtan Khalsa, US Magistrate Judge
 Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Fabricated Camera and Skimmer
Device recovered from Nusenda
Credit Union, 3205 Coors Blvd
NW, Albuquerque, NM, 87120, on
04-25-15 at approximately 0830
hours.

Magistrate No.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

ATTACHMENT A

1. I, Special Agent Jeremy Leatherwood, am currently employed with Homeland Security Investigations (HSI), Office of the Assistant Special Agent in Charge. Albuquerque, New Mexico. I completed the Criminal Investigation Training Program (CITP) and ICE Special Agent Training (ISAT) at the Federal Law Enforcement Training Center (FLETC) between March 14, 2010, and August 17, 2010. Prior to being employed with the Department of Homeland Security, I was employed with the Dekalb County Police Department (Atlanta, Georgia) in June 2003 as a Patrol Officer and was promoted to the rank of Detective in February 2006 with the Major Felony Robbery/Homicide Unit. I was a detective with the Major Felony Unit until March 2010 where I left to be employed with HSI.

DESCRIPTION OF ITEM(S) TO BE SEARCHED

2. A fabricated metal box and green plastic skimming device containing electronic components currently located in the HSI evidence room at 5441 Watson Dr. SE, Albuquerque, New Mexico, 87106. The electronic devices were originally recovered on April 25, 2015, at approximately 0830 hours from the Nusenda Credit Union located at 3205 Coors Blvd NW, Albuquerque, New Mexico, 87120.

FACTS OF THE INVESTIGATION

3. I, Jeremy Leatherwood, a Special Agent with the Department of Homeland Security, Homeland Security Investigations, being duly sworn, deposes and states:
4. On or about March 07, 2015, Albuquerque Police Department (APD) responded to the CU Anytime office in reference to card skimmers that had been placed on CU anytime Automatic Teller Machines (ATM) recovered from Nusenda Credit Union located at 3205 Coors Blvd NW, Albuquerque, New Mexico and 6501 Indian School Rd NE, Albuquerque, New Mexico. APD responded to the call of suspicious tape found on the ATM machine. CU Anytime discovered a total of three (3) skimmers affixed to the ATM machines at two (2) different locations. Two (2) of the skimmers were attached to ATMs at the 6501

Indian School Rd NE location and the third at 3205 Coors Blvd, NE. Shortly after, APD requested assistance from HSI who then joined the investigation. Bank personnel determined that several customers that used the ATMs during this time had their credit and debit card information compromised.

5. The method of operation for this particular skimming device involves a video camera located inside a man-made steel box which is placed on the ATM just above the keypad to record the Personal Identification Numbers (PIN) when entered by the customer. An additional man-made plastic cover containing a media storage device records account information when a card is used. The device is placed over the existing slot on the ATM machine and affixed with double sided tape. A common practice seen thus far is for the suspects to place the camera and skimmer on the ATM at early morning hours prior to the opening of the bank as to avoid detection. The camera and skimmer are then left on the ATM for a period of several hours in order to record customer's information from their credit/debit cards inserted into the ATM machine during that time frame. After several hours have passed and credit/debit cards have been used and recorded at the ATM, the suspects will remove the devices. Video surveillance has shown that the suspects will conceal

the devices in their clothing when installing and removing the skimmers. After the PIN and credit/debit card information has been recorded it is believed that the suspects make fraudulent credit/debit cards. The suspects will then take the fraudulent credit/debit cards and go to various ATMs in the area and withdraw the maximum amount of money available from the customer's account. The suspects use the PIN numbers previously recorded by the video camera to withdraw the funds.

During the course of the investigation, HSI and APD determined that more skimmers had been placed on several other ATMs in the Albuquerque and Santa Fe, New Mexico area. The following will detail the dates and skimmer locations.

- a. On or about March 14, 2015, it was determined that one skimmer was located on one ATM at 485 Coors Blvd NW, the Rio Grande Credit Union in Albuquerque, New Mexico.
- b. On or about April 17, 2015, it was determined that three skimmers had been located on three ATMs. It was determined that one skimmer was located at 53 Jemez Canyon Dam Rd. the US Eagle Federal Credit Union in Bernalillo, New Mexico; a second skimmer was located at 1710 St. Michaels Dr. the Nusenda Credit Union in Santa

Fe, New Mexico; and the third skimmer was located at 4920 Promenade Blvd, The State Employees Credit Union in Santa Fe, New Mexico.

c. On or about April 25, 2015, three skimmers were located on three ATMs at three different Nusenda Credit Unions.

One skimmer was located at 3205 Coors Blvd, Albuquerque, New Mexico, a second skimmer was located at 6125 4th St SW, Albuquerque, New Mexico, and a third skimmer was located at 1710 St. Michaels Dr. Santa Fe, New Mexico. All three skimmers were turned over to HSI for evidence.

d. On or about May 15, 2015, two skimmers were located on two ATMs. One skimmer was located at 53 Jemez Canyon Dam Rd. Bernalillo, New Mexico, the US Eagle Federal Credit Union. A second skimmer was located at 7815 Enchanted Hills, Rio Rancho, New Mexico, the State Employees Credit Union. Both skimmers were turned over to HSI for evidence. It was later learned that a third skimmer had been placed on an ATM at 2700 San Mateo Blvd NE, Albuquerque, New Mexico, the First Financial Credit Union however this device was not recovered.

6. Regarding the incident on April 25, 2015, at approximately 0900 hours, Special Agent Leatherwood with HSI was notified by a Nusenda Credit Union manager that three

more skimmers had been located at the three different locations mentioned above. All three skimmers were removed from the ATM by the Credit Union employees and turned over to the Albuquerque and Santa Fe police departments as evidence. Special Agents with HSI then started conducting surveillance on the ATM located at 3205 Coors Blvd, Albuquerque, New Mexico in order to identify the suspects who were suspected of returning later in the day to remove the device. Santa Fe Police also conducted surveillance at 1710 St. Michaels Dr. Santa Fe, New Mexico awaiting the suspects' return to recover the skimmers. After several hours of surveillance Santa Fe Police Department (SFPD) contacted SA Leatherwood and advised him that two juvenile suspects, hereinafter referred to as C.C. and A.U., had been detained while at the ATM machine and were being transported to SFPD.

7. SA Leatherwood responded to Santa Fe Police Department and met with Santa Fe Police who took C.C. and A.U. into custody. Santa Fe Police advised that while conducting surveillance on the ATM they observed C.C. and A.U. approach the ATM as if they were looking closely for the skimmer that had already been removed earlier in the day by bank personnel. The suspects did not use the ATM machine and began to walk away. A.U. was observed using his cellular

phone. At this time SFPD noticed that A.U. made a call on his cell phone and was wearing the same clothing that was seen in an ATM surveillance video placing the skimmer on the ATM earlier in the day. SA Leatherwood met with C.C. and A.U. at the Santa Fe Police Department. SA Leatherwood identified A.U. and C.C. as Romanian nationals, from the city of Craiova, presently in the United States pending Immigration hearings.

8. As of June 11, 2015, HSI has discovered several other ATM skimming cases across the United States involving Romanian nationals. Several of these investigations involve connections to C.C. and A.U. At this time it appears the family and acquaintances are connected by an influx of Romanian nationals who have been smuggled into the United States over the past few years. It also appears that the majority of these Romanians are all from a small city in Romania called Craiva. Intelligence reports indicate common phone numbers associate with other cells within the criminal organization and the C.C. and A.U. families.

Specifics Regarding the Seizure and Searching of Computer Systems

9. Your affiant seeks permission to locate not only

computer/electronic files that serve as direct evidence of the crimes described on the warrant, but also for evidence that establishes how computers were used, the purpose of their use, and who used them. Additionally, the warrant seeks information about the possible location of other evidence involving this crime.

10. This application seeks permission to search, seize and analyze records in whatever form they are found. One form in which the records might be found is that they are stored on a computer's hard drive, or other electronic media. Some of these electronic records take the form of files, documents, and other data that is user-generated. Your affiant also requests permission to search for images and other digital media stored on the camera attachment of the skimming device as well as the information captured and stored on the digital media.

CONCLUSION

Based upon the information contained in this affidavit, your affiant has probable cause to believe that records, evidence, fruits and instrumentalities relating to violations of Title 18 USC § 1029 - Access Device Fraud, and Title 18 USC § 1028A - Aggravated Identity Theft, will be located on the electronic

skimmer device and camera recovered from the above mentioned location.

THEREFORE, I respectfully request that a warrant be issued authorizing a search and seizure of items set forth above and listed in Attachment B, incorporated herein.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

This affidavit has been reviewed and approved by AUSA
Jonathon Gerson


Special Agent Jeremy Leatherwood
Homeland Security Investigations

Sworn to before me this

11th day of June, 2015


United States Magistrate Judge

ATTACHMENT B

ITEMS TO BE SEARCHED FOR AND SEIZED

1. All electronic data processing and storage devices, computers and computer systems including central processing units; internal and peripheral storage devices such as fixed disks, external hard disks, optical storage devices, and other memory storage devices; peripheral input/output devices such as video display equipment; optical readers and related communication devices. Records stored on magnetic media such as disk or on memory storage devices.
2. Any photographs, digital images, videos, computerized graphic files, computer images or files made by electronic or mechanical means which are stored on the devices.